IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 23RD NOVEMBER 2006 / 2ND AGRAHAYANA 1928

WP(C).No. 30681 of 2006(C)

PETITIONER:

SATHYAN,
(RETD. CASUAL LABOUR, AGRICULTURE DEPARTMENT),
S/O.LATE KARUNAKARAN,
AGED 65 YEARS, CHERUVILAPUTHENVEEDU,
PAMPADUMPARA P.O., IDUKKI DISTRICT.

BY ADV. SRI.C.P.PEETHAMBARAN

RESPONDENTS:

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1. THE PROVIDENT FUND OFFICER,
KOTTAYAM.

2. THE KERALA AGRICULTURAL UNIVERSITY,
VELLAYINI, THIRUVANANTHAPURAM,
REP. BY ITS CONTROLLER.

3. THE ASSOCIATED PROFESSOR,
CARDAMOM RESEARCH STATION,
KERALA AGRICULTURAL UNIVERSITY,
PAMPADUMPARA, IDUKKI DISTRICT.

R1 BY ADV. SRI.JOY THATTIL ITOOP, SC, EPF ORGANISA
R2 7 R3 BY SC. SRI. N.D.PREMACHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No. 30681 OF 2006

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Dated this the 23rd day of November, 2006

JUDGMENT

The grievance of the petitioner arises out of non-payment of Provident Fund amount on account of his service as casual coolie in the establishment of the third respondent. The case of the petitioner is as follows:

Petitioner was working as Casual Coolie under the Agricultural Department in its Cardamom Research Center at Pampadumpara from 1956 to 1972 on daily wages of Rs.2.75 per day. It is stated that daily wages were given monthly after deducting the share of the contribution of Provident Fund of the petitioner. It is stated that there were 39 persons working along with the petitioner. Ext.P1 is produced as copy of the abstract sheet of Roll No.I/66-67 of Casual Collies issued by the Botanist under the third respondent. It is stated that the Research Centre was taken over by the second respondent University. But petitioner did not attend duty thereafter. It is stated that he requested to disburse his Bonus, GPF, Medical Leave etc.. But the same was

delayed. After cessation of his work petitioner repeatedly approached respondents 1 and 2 to make arrangement to disburse Provident Fund. Thereafter petitioner made a representation on 13.10.2004 as Ext.P2.

2. I heard learned counsel for the petitioner, learned counsel appearing on behalf of the Provident Fund and learned counsel appearing for respondents 2 and 3. Counsel for the University would point out that this is a stale matter, and having regard to the admitted plea that the petitioner has stopped working in 1972, it may be difficult to trace out the records relating to the case of the petitioner. Counsel for the Provident Fund would point out that unless the records are made available to it by the establishment, which in this case is the second respondent as the second respondent has taken over the third respondent in 1972, it is helpless in the matter. Counsel for the University submits that it may be very difficult to trace out the records. Ext.P2 is a communication addressed by the Comptroller of the second respondent University to the petitioner, wherein it is stated that direction has been issued to the Farm Superintendent to trace the records.

In the circumstances, the writ petition is disposed of directing the second respondent to make every attempt to trace out the records in respect to the provident fund payable to the petitioner. The efforts should be completed within a period of three months from today. If the effort is fruitful, it shall be forwarded to the first respondent for processing the claim of the petitioner. The petitioner should be communicated with the result of the action taken by the second respondent within a period of three months from the date of receipt of a copy of this judgment. In other words, if they are able to trace out the records, that should be forwarded to the first respondent. Simultaneously, they shall intimate the fact of the records being forwarded to the first respondent to the petitioner also. If within a period of three months the second respondent is not able to trace out the records, the said fact should also be intimated to the petitioner. If the assistance of any department of the Government is required by the second respondent in the matter of tracing the records, the second respondent shall address the said department in this regard and the Government department will co-operate with the second respondent in

tracing out the records.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.